

REMARKS

Claims 1-23 and 30 are pending in this application. Non-elected claims 1-8 and 12-23 are withdrawn from consideration by the Examiner. By this Amendment, claims 1, 9, 11-13, 15-17, 20, 22 and 23 are amended, claims 24-25 are canceled, and claim 30 is added. Support for amended claims 1, 9, 11-13, 16, 23 and new claim 30 can be found, for example, at page 3, lines 8-12, page 7, lines 7-12, page 14, line 15 - page 15, line 2, and Figs. 2-3 of the originally filed specification. Claims 15, 17, 20 and 22 are amended for clarity. No new matter is added.

I. Restriction Requirement

The Office Action maintains the Restriction Requirement arguing that the claimed inventions are separately classified, being drawn to separate statutory categories of invention and a search of the elected article claims does not necessary entail a search of the non-elected method and composition claims.

By this Amendment, non-elected claims 1, 12-13, and 23 are amended to include the features of claims 9 and 11, and non-elected claims 2-8, 14-22 variously depend from claim 1, or otherwise include the features of claims 9 and 11. Thus, upon allowance of claims 9 and 11, all of the other claims that include the features of claims 9 and 11 should be rejoined and also be allowed. Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

II. Claim Objections

The Office Action objects to claims 9 and 10 because of the word "comprising." By this Amendment, claims 9 and 10 are amended to recite "comprises," as suggested by the Office Action. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

III. Claim Rejections Under 35 U.S.C. §112

The Office Action rejects claims 9-11, 24 and 25 under 35 U.S.C. §112, second paragraph, as being indefinite because of the terms "relative oxide or nitride imbalance." By this Amendment, claims 24 and 25 are canceled, rendering the rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection; however, in order to expedite prosecution, claims 9 and 11 are amended. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

IV. Claim Rejection Under 35 U.S.C. §101

The Office Action rejects claims 24 and 25 under 35 U.S.C. §101 because of the claimed recitation of a use. By this Amendment, claims 24 and 25 are canceled, and new claim 30 is added. New claim 30 includes the features of canceled claims 24 and 25, but recite appropriate process steps. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested, and prompt examination and allowance of claim 30 are respectfully requested.

V. Claim Rejection Under 35 U.S.C. §102

The Office Action rejects claims 9-11 under 35 U.S.C. §102(b) as being anticipated by Takabatake et al. (U.S. Patent No. 3,927,323) ("Takabatake"). Applicants respectfully traverse the rejection.

By this Amendment, claims 9 and 11 recite the features, "wherein the coating comprises a spinel having regions of oxide or nitride that vary from a stoichiometric spinel ratio, or regions of oxide and nitride that vary from a stoichiometric spinel ratio, calcium oxide, and at least about 85,000 effective interface and defect zones per surface square millimetre, or at least about 100,000 orientated grain boundaries and microcracks per surface square millimetre, or both."

Takabatake does not disclose, teach or suggest at least the feature of "wherein the coating comprises calcium oxide." Takabatake teaches some metal oxides, such as NiO and CuO, but does not teach calcium oxide and does not provide any reason or rational for one of ordinary skill in the art to have selected calcium oxide. See Takabatake at col. 2, lines 25-29. Thus, Takabatake does not teach each and every feature of claims 9 and 11.

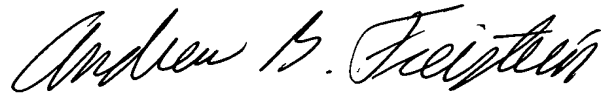
As Takabatake does not disclose each and every feature of claims 9 and 11, Takabatake does not anticipate claims 9 and 11. Claim 10 depends from claim 9 and, thus, is also not anticipated by Takabatake. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-23 and 30 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Andrew B. Freistein
Registration No. 52,917

JAO:ABF/kxs

Date: April 24, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461